



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/775,864

02/02/2001

David Famolari

1263-US

8409

9941

7590

07/02/2004

TELCORDIA TECHNOLOGIES, INC.  
ONE TELCORDIA DRIVE 5G116  
PISCATAWAY, NJ 08854-4157

EXAMINER

FOX, JAMAL A

ART UNIT

PAPER NUMBER

2664

5

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/775,864	<b>Applicant(s)</b> FAMOLARI ET AL.	
	<b>Examiner</b> Jamal A Fox	<b>Art Unit</b> 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 10-13 is/are rejected.
- 7) ☒ Claim(s) 7 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-6, 8 and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumaki et al. (U.S. Patent No. 6,473,411).

Referring to claim 1, Kumaki et al. discloses a method of soft handoff (soft handoff, col. 57 lines 7-14) of a mobile terminal (Fig. 5, ref. sign 201 and respective portions of the spec.) in an Internet Protocol (IP) wireless network (Fig. 5, ref. sign 224 and respective portions of the spec.), said method comprising the steps of :

said mobile terminal creating a multicasting group (multicast, col. 45 line 65-col. 46 line 9) of multicast network interfaces (interface, col. 4 lines 39-57, col. 4 line 57-col. 5 line 10, Fig. 6 and Fig. 8); and

simultaneously communicating at the IP level between said multicast network interfaces and a plurality of base stations via separate channels (radio channel to each, col. 46 lines 17-23) between said mobile terminal and said plurality of base stations.

Referring to claim 2, discloses the method in accordance with claim 1, further comprising dynamically adjusting the plurality of multicast network interfaces within said multicast group (Fig. 53 and col. 73 lines 18-65).

Referring to claim 3, Kumaki et al. discloses the method in accordance with claim 2 wherein said step of dynamically adjusting comprises said mobile terminal issuing a joint message from a particular multicast network interface in order to cause said particular multicast network interface to be included in said multicasting group (ADD PARTY, col. 15 lines 33-40).

Referring to claim 4, Kumaki et al. discloses the method in accordance with claim 2, wherein said step of dynamically adjusting comprises said mobile terminal issuing a leave message to a particular multicast network interface in order to cause said particular multicast network interface to be removed from said multicasting group (DROP PARTY, col. 15 lines 33-40).

Referring to claim 5, Kumaki et al. discloses the method of claim 2 wherein said step of dynamically adjusting is performed in accordance with at least one error rate (col. 16 lines 55-60), signal strength (signal strength, col. 73 lines 12-17), and network constraints (traffic state, col. 73 lines 55-65).

Referring to claim 6, Kumaki et al. discloses the method of claim 1 further comprising the step of utilizing a multicasting agent (DHCP server, col. 2 lines 52-67)

associated with the IP wireless network to assign an IP multicasting address to said mobile terminal.

Referring to claim 8, Kumaki et al. discloses the method in accordance with claim 1 further comprising the step of said mobile terminal tracking CDMA IP pilot signals from a base station to determine the signal strength of a particular communication channel (perch channel, col. 41 lines 25-56) from said base station.

Referring to claim 10, Kumaki et al. discloses the method in accordance with claim 1 wherein said simultaneous communication includes the step of transmitting information in a forward direction to said mobile terminal by broadcasting the information as a multicast message from the plurality of base stations to the multicast network interfaces in said multicasting group created by the said mobile terminal (col. 15 line 50-col. 16 line 2).

Referring to claim 11, Kumaki et al. discloses the method in accordance with claim 1 wherein said simultaneous communication includes the step of transmitting information in a reverse direction from said multicast network interfaces in said mobile terminal to the wireless network in response to a sender of a multicast message to the mobile terminal (bi-directional, col. 11 lines 23-32, col. 14 lines 10-12).

Referring to claim 12, Kumaki et al. discloses a system for soft handoff (soft handoff, col. 57 lines 7-14) of a mobile terminal (Fig. 5, ref. sign 201 and respective portions of the spec.) in a wireless network (Fig. 5, ref. sign 226 and respective portions of the spec.), said system comprising:

a plurality of base stations (Fig. 5, ref. signs 202, 203, 210, 211 and 212) connected to the wireless network (Fig. 5, ref. sign 226 and respective portions of the spec.),

a mobile terminal (Fig. 5, ref. sign 201 and respective portions of the spec.) including a plurality of multicast network interfaces (interface, col. 4 lines 39-57, col. 4 line 57-col. 5 line 10, Fig. 6 and Fig. 8), and

a processor (Fig. 45 and respective portions of the spec.) including a medium encoded with processing instructions to create a multicasting group of a number of said plurality of multicast network interfaces, and

cause simultaneous communication at the IP level over separate communication channels (radio channel to each, col. 46 lines 17-23) between said mobile terminal and a number of said plurality of base stations.

Referring to claim 13, Kumaki et al. discloses the system in accordance with claim 12 wherein said medium is further encoded with processing instructions to dynamically adjust the ones of said plurality of multicast network interfaces included in said multicasting group (Fig. 53 and col. 73 lines 18-65).

### ***Allowable Subject Matter***

3. Claims 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

**4. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 305-3988, (for formal communications intended for entry)

**Or:**

(703) 305-3988 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (703) 305-5741. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Application/Control Number: 09/775,864

Page 7

Art Unit: 2664

*J.A.F.*  
Jamal A. Fox



WELLINGTON CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600